

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICK YOUNG,

Defendant.

3:08-CR-0120-LRH-VPC

ORDER

Before the court is defendant Rick Young's ("Young") motion to alter or amend judgment. Doc. #297.<sup>1</sup> The United States filed an opposition (Doc. #298) to which Young replied (Doc. #299).

**I. Facts and Background**

On March 30, 2011, defendant Rick Young ("Young") was convicted on various counts charged in the second superseding indictment (Doc. #70) including: (1) Count One for conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349; (2) Counts Two and Six for wire fraud in violation of 18 U.S.C. § 1343; (3) Counts Seven, Ten and Eleven for money laundering in violation of 18 U.S.C. § 1957; and (4) Count Thirteen for securities fraud in violation of 15 U.S.C. § 78j(b) (Doc. #170). After a series of post-trial motions, Young was sentenced to three hundred (300) months imprisonment. Doc. #264. Young appealed his conviction and sentence which was

<sup>1</sup> Refers to the court's docket number.

1 ultimately upheld by the Ninth Circuit. Doc. #282. After his appeal, Young filed a motion to  
2 vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 (Doc. #287) which was  
3 denied by the court in its entirety (Doc. #295). Thereafter, Young filed the present motion to alter  
4 or amend judgment. Doc. #297.

## 5 **II. Discussion**

6 Federal Rule of Civil Procedure 60 provides district courts with a means of correcting any  
7 errors in a judgment while the court still holds jurisdiction. *See Sosebee v. Astrue*, 494 F.3d 583,  
8 589 (7th Cir. 2007). Reconsideration of an order or judgment under Rule 60 is an extraordinary  
9 measure that should be granted only when the district court “is presented with newly discovered  
10 evidence, committed clear error, or if there is an intervening change in the controlling law.”  
11 *McDowell v. Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999).

12 In his motion, Young argues that the court erred in denying his Section 2255 motion for  
13 several reasons including relying on deficient evidence and making improper legal conclusions. *See*  
14 Doc. #297. The court disagrees.

15 First, the court notes that Young’s arguments are the same or similar to those arguments he  
16 made in his Section 2255 motion. The court has already addressed these arguments in denying  
17 Young’s initial motion and Young has failed to provide any new argument or evidence which  
18 would warrant reconsideration of the court’s prior order. Thus, there is no basis to alter or amend  
19 the judgment.

20 Second, the court’s findings were based on legally admissible evidence that was properly  
21 before the court. In particular, the court found that “[t]he evidence presented to this court through  
22 the signed affidavits of both Attorney Hill and Ryan Corrigan, an independent investigator hired to  
23 assist in Young’s defense and trial preparation, establish that Young was advised about the plea  
24 agreement.” *See* Doc. #295. Young has not provided any newly discovered evidence that  
25 contradicts the court’s finding. Further, Young’s assertion that the affidavits from his trial counsel  
26 and counsel’s investigator were unsworn is simply incorrect, and nothing in his motion establishes,

1 or supports a conclusion, that the court's factual findings were clearly erroneous. Therefore, the  
2 court shall deny Young's motion to alter or amend judgment.

3  
4 IT IS THEREFORE ORDERED that defendant's motion to alter or amend judgment  
5 (Doc. #297) is DENIED.

6 IT IS SO ORDERED.

7 DATED this 20<sup>th</sup> day of November, 2015.



8  
9 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE